

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

VINCENT POOLE,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:22-CV-74
(GROH)**

STATE OF WEST VIRGINIA,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 5. Pursuant to this Court’s prior Order [ECF No. 4], this matter was referred to Judge Trumble. Judge Trumble issued an R&R on May 11, 2022, recommending that the Plaintiff’s Complaint [ECF No. 1] be dismissed without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of the Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble’s R&R were due within fourteen plus three

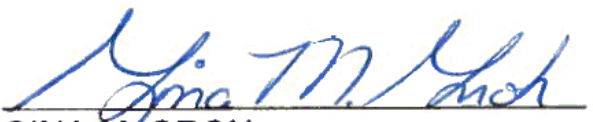
days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the *pro se* Plaintiff on May 14, 2022. ECF No. 7. As of the date of this Order, no objections have been filed. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline for the Plaintiff to submit objections to the R&R has passed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 5] should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, the Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.

In accordance with the dismissal of the Plaintiff's Complaint, it is further **ORDERED** that the Plaintiff's Motion [ECF No. 2] for Leave to Proceed In Forma Pauperis be **DENIED AS MOOT**.

The Clerk is **DIRECTED** to **STRIKE** this case from the Court's active docket. The Clerk of Court is **FURTHER DIRECTED** to mail a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: June 17, 2022


GINA M. GROH
UNITED STATES DISTRICT JUDGE